

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST LITIGATION

MDL No. 1:11-md-02262 (NRB)

THIS DOCUMENT RELATES TO:

Hon. Naomi Reice Buchwald

OTC ACTION
DIRECT ACTION PLAINTIFFS

**PLAINTIFFS' NOTICE OF MOTION TO EXCLUDE
CERTAIN OPINIONS OF DR. DENNIS CARLTON**

PLEASE TAKE NOTICE that, on a date and time to be determined by the Court, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, in the Courtroom of the Honorable Naomi Reice Buchwald, Plaintiffs¹ will, and hereby do, move the Court, pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), for an Order excluding certain opinions of Dr. Dennis Carlton, as described in Plaintiffs' accompanying Memorandum of Law.

Submitted in support of Plaintiffs' Motion to Exclude Certain Opinions of Dr. Dennis Carlton are: (i) Plaintiffs' Memorandum of Law; (ii) the Declaration of Gary I. Smith, Jr. and the Exhibits attached to that Declaration; and (iii) the [Proposed] Order granting the Motion.

¹ OTC Plaintiffs, the Federal Deposit Insurance Corporation as Receiver for 20 Closed Banks, Principal Financial Group, Inc., Principal Financial Services, Inc., Principal Life Insurance Company, Principal Funds, Inc., and Principal Variable Contracts Funds, Inc.

October 4, 2024

Respectfully submitted,

/s/ Gary I. Smith, Jr.

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High Yield Fund; PFI High Yield Fund I; PFI
Income Fund; PFI Inflation Protection Fund;
PFI Money Market Fund; PFI Preferred
Securities Fund; PFI Short-Term Income
Fund; Principal Variable Contracts Funds,
Inc.; PVC Asset Allocation Account; PVC
Balanced Account; PVC Bond & Mortgage
Securities Account; PVC Equity Income
Account; PVC Government & High Quality
Bond Account; PVC Income Account; PVC
Money Market Account; PVC Short-Term
Income Account*

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2024, I caused the foregoing Notice of Motion to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Southern District of New York, on all parties registered for CM/ECF in the above-captioned matters pursuant to the Federal Rules of Civil Procedure.

Dated: October 4, 2024

/s/ Daniel D. Duhaime
Daniel D. Duhaime